

**Remarks**

The Present Amendment is responsive to the Office Action of **April 29, 2005**. Reexamination and reconsideration of **claims 19-36** is respectfully requested.

**Summary of The Office Action**

Claims 23-26 and 29-31 were indicated to be allowable if rewritten in independent form.

Claims 19-22 and 28 were rejected under 35 USC 102(b) as being anticipated by Baughman et (US 5441593).

Claims 33-35 were withdrawn from further consideration by the examiner as being drawn to a non-elected invention.

The Title and the Abstract were objected to.

The Office Action required Restriction to one of the following inventions:

I. Claims 19-26, 28-31, and 33-35, drawn to a method of fabricating a fluid ejection device.

II. Claims 27, 32, and 35, drawn to a fluid ejection device.

The Office Action further indicated that if Group I was elected, a further restriction to one of the following inventions was required:

I-A. Claims 19-26 and 28-31, drawn to a method forming a break trench and forming a plurality of small break trenches.

I-B. Claims 33-34, drawn to sawing the wafer to separate individual fluid ejection devices.

Election

Applicant repeats the election of Group I-A, claims 19-26 and 28-31, with traverse. The Election was previously made in a Response filed April 1, 2005 in response to the restriction requirement issued March 7, 2005. The present restriction is a duplicate of the previous restriction. Applicant questions why the present restriction has been issued since the Applicant has already made an election.

Regardless, the Applicant maintains the election of Group I-A, claims 19-26 and 28-31, with traverse, and requests that the restriction be withdrawn for claims 27 and 32 for the reasons stated in the April 1, 2005 election. Applicant requests that the Examiner respond to the traversal arguments made in the April 1, 2005 election and provide supporting evidence as to why the claims are distinct.

The Present Amendment

The title has been amended as suggested by the examiner and the abstract has been replaced. The objections to the title and abstract should now be withdrawn.

Claims 33-35 are now canceled as being drawn to a non-elected invention. New dependent claim 36 includes features from canceled claim 33, thus, no new matter has been added.

Allowable claims 23 and 29 have been re-written in independent form and are now in condition for allowance. Accordingly, their parent claims 19 and 28, respectively, are being canceled. All dependent claims now depend from either allowable claim 23 or 29. Since all objections and rejections have been resolved, Applicant believes the present application is in condition for allowance.

Conclusion

For the reasons set forth above, **claims 20-27, 29-32, and 36** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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